

REMARKS

After entry of this Amendment, the pending claims are claims 1, 4-7, 9-17, 19, 21, 23, 25-36, 40, 41, 44-50, 52-58, of which claims 1, 31 and 52 are in independent form. Claims 1, 31, and 52 have been amended. No new matter has been added. The amendments clarify what was previously implicit in the claims

Objection to the Drawings

The Examiner objected to the drawings in the November 16, 2005 Office Action under 37 C.F.R. 1.83(a) because the drawings failed to show the “cavity portion 35” as described in the specification. On February 16, 2006, Applicant submitted Fig. 3 amended to show reference number 35. Support for the addition of the reference number 35 is found at least on page 8, line 29 of the specification as originally filed. Thus, no new matter had been added. Applicant respectfully requests that the Examiner acknowledge receipt and acceptance of the proposed drawing change.

Rejection - 35 U.S.C. §102(b)

Claims 1 and 4 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,984,865 to Farley et al. (“the Farley patent”). Applicant has amended claim 1 to more clearly define Applicant’s invention. Claim 1 now recites “the knob being rotatable with respect to the handle.”

Applicant respectfully submits that the Farley patent does not disclose, teach or suggest all of the limitations of claim 1. Specifically, there is no disclosure, teaching or suggestion in the Farley patent of a coupling mechanism having a knob with a bore, the knob being rotatable with respect to the handle, and a blade member with a coupling element which is received in the bore.

As all the features recited in independent claim 1, as amended, are not disclosed, taught or suggested by the Farley patent. Applicant submits that claim 1 is allowable over the Farley '865 patent. Dependent claims 4-7, 9-17, 19, 21, 23, 25-30 depend from independent claim 1 and are allowable for at least the same reasons as discussed above in connection with claim 1.

Rejection - 35 U.S.C. §103(a)

Claim 5 was rejected under 35 U.S.C. §103 as being unpatentable over Farley in view of Taylor et al. (USP 5,944,736), claims 6 and 28-29 were rejected under 35 U.S.C. §103 as being unpatentable over Farley, and claims 7 and 9-13 were rejected under 35 U.S.C. §103 as being unpatentable over Farley in view of Greenberg (USP 5,558,622). Claims 14-17, 19, 23, 25-27, 52-53 and 55-59 were rejected under 35 U.S.C. §102 (sic, 35 U.S.C. §103) as being unpatentable over Farley in view of Adair (USP 4,905,670); claims 31-36, 40-41, 44-47 and 49 were rejected under 35 U.S.C. §103 as being unpatentable over Farley in view of Greenberg, and further in view of Adair; and claim 48 was rejected under 35 U.S.C. §103 as being unpatentable over Farley in view of Greenberg and Adair, and further in view of Swaniger. Claims 19 and 21 were rejected under 35 U.S.C. §103 as being unpatentable over Farley in view of Wilder et al. ("USP 4,562,832"). Claim 30 was rejected under 35 U.S.C. §103 as being unpatentable over Farley in view of Hipps et al. (USP 6,228,025). And, claim 54 was rejected under 35 U.S.C. §103 as being unpatentable over Farley in view of Adair, and further in view of Wilder.

The Taylor patent, the Greenberg patent, the Adair patent, the Wilder patent, and the Hipps patent do not remedy the deficiencies of the Farley patent. Neither the Taylor patent, the Greenberg patent, the Adair patent, the Wilder patent nor the Hipps patent discloses, teaches or suggests a coupling mechanism having a knob with a bore, the knob being rotatable with respect

to the handle as well as a blade member with a coupling element which is received in the bore. Applicant submits that, because claims 5-7, 9-13 and 28-30 define more particular aspects of Applicant's invention as well as including the features of amended claim 1, they are also patentably distinguishable over the Farley patent, or the Farley patent in view of the Taylor patent, the Greenberg patent, the Adair patent, the Wilder patent, or the Hipps patent for at least the same reasons as identified with respect to amended claim 1.

Claims 31-36, 40-41, 44-47 and 49 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Farley patent in view of the Greenberg patent, and further in view of the Adair patent. Claim 48 was rejected under 35 U.S.C. §103(a) as being unpatentable over the Farley patent in view of the Greenberg patent, and further in view of the Adair '670 patent, and further in view of Swaniger.¹ Applicant has amended claim 31 to more clearly define Applicant's invention. Claim 31 now recites a method which including providing a surgical retractor which comprises a "first coupling mechanism comprises a knob having a bore, the first knob being rotatable with respect to the handle... wherein the blade member comprises a coupling element, . . . configured and dimensioned to be received in the bore of the knob."

Applicant respectfully submits that the neither the Farley patent, the Greenberg patent nor the Adair patent discloses, teaches or suggests all of the limitations of claim 31. Specifically, there is no disclosure, teaching or suggestion in the Farley patent, the Greenberg patent or the Adair patent of a coupling mechanism having a knob with a bore, the knob being rotatable with

¹ The Examiner did not provide a patent number or otherwise identify the Swaniger reference. Accordingly, Applicant is unable to appreciate or consider the Swaniger reference until such time as the Examiner identifies the reference.

respect to the handle, as well as a blade member with a coupling element which is received in the bore.

As all the features recited in independent claim 31, as amended, are not disclosed, taught or suggested by the Farley patent, the Greenberg patent or the Adair patent, Applicant submits that claim 31 is allowable over the Farley patent, the Greenberg patent and the Adair patent. Dependent claims 32-36, 40, 41 and 44-50 depend from independent claim 31 and are allowable for at least the same reasons as discussed above in connection with claim 31.

Claims 52-53 and 55-59 (sic, 58) were rejected under 35 U.S.C. §103 as being unpatentable over Farley in view of Adair while claim 54 was rejected under 35 U.S.C. § 103 as being unpatentable over Farley in view of Adair, and further in view of Wilder.

Claim 52 recites “a handle having . . . an opening” and “a first coupling mechanism . . . , the first coupling mechanism being rotatable with respect to the handle, [and] a second coupling mechanism . . . having a through-hole and at least a portion which is axially moveable within the opening of the handle, wherein the through-hole of the second coupling mechanism is sized and configured to receive a surgical instrument” Neither the Farley patent, the Wilder patent, nor the Adair patent, discloses, teaches or suggests all of the limitations of claim 52. Specifically, there is no disclosure, teaching or suggestion in the Farley patent, the Wilder patent, or the Adair patent of a first and second coupling mechanism, the first coupling mechanism being rotatable with respect to the handle.

As all the features recited in independent claim 52 are not disclosed, taught or suggested by the Farley patent, the Wilder patent, or the Adair patent. Applicant submits that claim 52 is allowable over the Farley patent, the Wilder patent, and the Adair patent. Dependent claims 53-

58 depend from independent claim 52 and are allowable for at least the same reasons as discussed above in connection with claim 52.

In light of Applicant's amendments and remarks, a notice of allowance is respectfully requested. Applicant's agent, Jason Charkow, attempted contact with the Examiner on June 21st to discuss the case and identify the Swaniger reference but the Examiner failed to return Mr. Charkow's call. Should the Examiner have any questions or concerns regarding this amendment or the above-identified application, then a telephonic interview with the undersigned is respectfully requested to discuss any such questions or concerns and to accelerate the allowance of the above-identified application.

No fee is believed to be due for this submission. Should any fees be required, however, please charge such fees to Jones Day Deposit Account No. 50-3013.

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